

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**JOHN J. WALSH, JR., Regional Director,
Region 2, National Labor Relations Board,
for and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,**

Petitioner,

-against-

21 Civ. 3633

NEBRASKALAND, INC.,

Respondent.

ECF

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CONSENT DECREE

A Petition for Temporary Injunction Under Section 10(j) of the National Labor Relations Act (Petition) having been filed herein on April 23, 2021 by John J. Walsh, Jr., Regional Director for the Second Region of the National Labor Relations Board (Board), for and on behalf of the Board, praying for a temporary injunction pursuant to Section 10(j) of the National Labor Relations Act (Act), as amended, pending the final disposition of said matters before the Board, and the parties having thereafter consented to the entry of the within order, therefore,

IT IS ORDERED, ADJUDGED, AND DECREED that, pending the final disposition of the matters involved before the National Labor Relations Board, Respondent Nebraskaland, Inc., its officers, representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting in concert or participation with it or them, be, and hereby is, enjoined and restrained from:

- (a) threatening its employees with unspecified reprisals if they engage in a strike or other protected, concerted activities ;
- (b) engaging in surveillance of employees' protected, concerted activities, or creating the impression of such surveillance;

- (c) threatening to call the police because employees engage in a strike or in response to employees' other protected, concerted activities;
- (d) discharging or otherwise discriminating against employees for engaging in protected, concerted activities;
- (e) in any like or related manner interfering with, restraining, or coercing its employees in the exercise of their Section 7 rights.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pending the final disposition of the matters involved before the National Labor Relations Board, Respondent, its officers, representatives, agents, servants, employees, successors, and assigns, and all persons acting in concert or participation with it or them,

HEREBY AGREES TO TAKE THE FOLLOWING AFFIRMATIVE ACTIONS:

- (a) Within fourteen (14) days of the Court's issuance of this Order and the Regional Director's approval of settlement in the underlying administrative proceeding, offer, in writing, Ricardo Gutierrez (Gutierrez), Andy Medina (Medina), and Eric de la Cruz (de la Cruz) immediate reinstatement to their former respective positions, and if such jobs no longer exist, to substantially equivalent positions, without any loss to their seniority rights or any other privileges;
- (b) Within fourteen (14) days of the Court's issuance of this Order and the Regional Director's approval of settlement in the underlying administrative proceeding, remove from its files, any and all records of its discharges of Gutierrez, Medina, and de la Cruz , and within three (3) days thereafter, notify Gutierrez, Medina, and de la Cruz, respectively, in writing that this was done, and that the material removed will not be used as a basis for any future personnel action against them or referred to in response to any inquiry from any employer, employment agency, unemployment insurance office, or reference seeker, or otherwise used against them;
- (c) Within fourteen (14) days of the Court's issuance of this Order and the Regional Director's approval of settlement in the underlying administrative proceeding, post copies of this Order at Respondent's facility, as well as translations of this Order in Spanish and languages other than English as necessary to ensure effective communication to Respondent's employees as determined by the Regional Director, said translations to be provided to Respondent by the Regional Director, in all places where notices to its employees are normally posted; maintain these postings during the Board's administrative proceeding free from all obstructions and defacements; grant all employees free and unrestricted access to said postings; and grant to agents of the Board reasonable access to its facilities to monitor compliance with this posting requirement;

(d) Within twenty (20) days of the Court's issuance of this Order and the Regional Director's approval of settlement in the underlying administrative proceeding, submit to the Court and the Regional Director for Region 2 of the Board a sworn affidavit from a responsible agent of Respondent stating, with specificity, the manner in which Respondent has complied with the terms of the Court's Order.

This Order shall expire upon the closing of the compliance period and withdrawal of the complaint in the underlying administrative proceedings in Consolidated Cases 02-CA-266022, 02-CA-266473, and 02-CA-269213.

Dated: New York, New York
May __, 2021



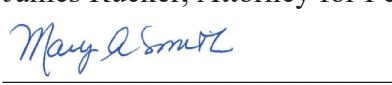
United States District Court Judge

5/14/2021

Consented to:

By: 
James Rucker, Attorney for Petitioner

Date: May 13, 2021

By: 
Mary A. Smith, Attorney for Respondent

Date: May 10, 2021